

Appln. No. 09/980,823
Amdt. dated February 22, 2005
Reply to Office action of October 20, 2004

REMARKS

Claims 9-12, 14 and 15 presently appear in this case. No claims have been allowed. The official action of October 20, 2004, has now been carefully studied.

Reconsideration and allowance are hereby respectfully urged.

Briefly, the present invention is directed to a method for inducing myelination and remyelination of neurons and protecting neurons from NMDA-induced cell death, from neurotoxicity induced by excitatory amino acids, and from toxicity caused by the withdrawal NGF, by administering to a patient in need thereof an effective amount of IL6RIL6 chimera.

Claims 9 to 11, 14 and 15 have been rejected under 35 U.S.C. 112, first paragraph as failing to comply with the enablement requirement of 35 U.S.C. 112, first paragraph. The examiner does not dispute that the instant specification is enabling for a method of protecting neurons from NMDA-induced cell death, from neurotoxicity caused by excitatory amino acids such as glutamate induced neurotoxicity, and from toxicity caused by the withdrawal of NGF. However, the examiner states that the specification does not show that neurons can be protected from all possible "pathological insults". With respect to claim 11, the examiner states that the instant specification is not enabling for protecting a

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patient from "all possible" traumatic nerve degeneration diseases. This rejection is respectfully traversed.

In order to obviate this rejection, claim 9 has now been amended to delete the term "pathological insults" and instead to insert the language that the examiner does not dispute is supported by an enabling specification. Support for protection from neurotoxicity caused by excitatory amino acids is found for example, on page 5, lines 22-25, and page 10, lines 17-19. Protection from NMDA-induced cell death and from toxicity caused by the withdrawal of NGF is apparent from the examples as noted by the examiner. Accordingly, it is urged that claim 9 is drawn only to embodiments that the examiner concedes are enabled, and that the rejection be withdrawn with respect to this claim.

As to claim 10, the term "pathological insults" has also been deleted. It now merely recites that the patient in need is one suffering from the specified diseases. This should obviate the examiner's objections based on the broad term "pathological insults".

As to claim 11, the examiner states that the instant specification is not enabling for protecting a patient from all possible traumatic nerve degeneration diseases. However, claim 11 is not directed to protection of a patient from all possible traumatic nerve degeneration diseases. It is only

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• directed to a method of inducing myelination and remyelination of neurons. The claim species that the patient in need is one suffering from traumatic nerve degeneration or a demyelinating disease. Thus, the claim does not require protection of the patient from all possible traumatic nerve degenerations, but merely recites that myelination and remyelination of neurons is induced in patients having traumatic nerve degeneration, such as the *in vivo* remyelination shown for transected fibers following sciatic nerve axotomy in rats established in the present specification.

Once it is accepted that the present invention can induce myelination and remyelination of neurons in patients in need, as has been accepted for claim 9, there should be no objection to specifying in a dependent claim that the patient in need is one suffering from traumatic nerve degeneration. There is no reason to believe that the ability of the present invention to induce myelination and remyelination of neurons is somehow dependent on exactly what trauma caused the nerve to degenerate. Reconsideration and withdrawal of the objection of claim 11 are therefore respectfully urged.

For all these reasons, reconsideration and withdrawal of this rejection are respectfully urged.

It is noted that there is no rejection of record of claim 12. Accordingly, it is requested that the examiner

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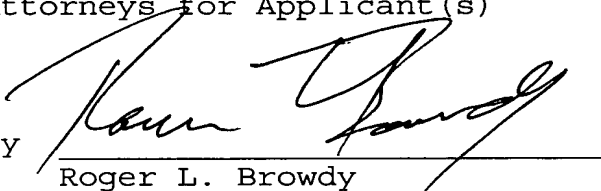
indicate the allowability of this claim if rewritten in independent form. In view of the fact that claim 11, from which claim 12 depends, has been shown to be allowable hereinabove, there is no need at the present time to rewrite claim 12 into independent form.

It is submitted that all of the claims now present in the case fully define over the references of record and fully comply with 35 U.S.C. §112. Reconsideration and allowance are therefore earnestly solicited.

Respectfully submitted,

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